
ARTICLE IV, TOWN MANAGER

Section 4-1. Appointment, Qualification, Term of Office.

The Town Manager shall be appointed by the Board of Selectmen for a three-year term. A committee consisting of the Town Moderator, one finance committee member, selected by vote of the Finance Committee, the Superintendent of Schools, with approval of the School Committee, one Selectmen and one citizen appointed by the Selectmen shall present to the Selectmen no less than three candidates chosen from the applicants after a background review and interview by the committee. The Town Manager shall be the chief administrative officer of the town and be responsible to the Board of Selectmen for the administration of all town affairs placed in his/her charge by or under the charter. The Town Manager shall be a person especially fitted by education which shall consist of at least a bachelor's degree from an accredited degree granting college or university, and his/her professional experience shall include at least five years of , full time, compensated service in a managerial capacity in public or business administration.

The Town Manager need not be a resident of the town or of the commonwealth but must be a United States citizen.

The Town Manager shall devote full time to the duties of the office and shall not hold any other elective or appointive town office, nor shall the Town Manager engage in any other business unless such action shall be approved in advance in writing by the Board of Selectmen.

The Town Manager shall not have served in an elected office in the town of Abington government for at least twenty-four

months prior to his/her appointment.

The Town Manager shall be the primary officer responsible for the implementation of policy directives and guidelines adopted by the Board of Selectmen. The daily administration of the affairs of the town shall be the responsibility of the Town Manager.

The Town Manager shall execute a bond in favor of the town for the faithful performance of his/her duties in such sum and with such surety as shall be fixed or approved by the board of selectman, who shall not waive the requirement of a performance bond.

Section 4-2. Powers of Appointment.

4-2-1. The Town Manager shall appoint the police chief, fire chief, town treasurer-collector, town accountant, superintendent of highways, veterans agent, superintendent of wires, building inspector/zoning officer, plumbing and gas inspector, constables, assistant assessor, director of elder affairs, tree warden, park superintendent, and town planner; provided however, that the Town Manager shall consult with the appropriate appointing authority prior to making such appointments.

Appointments to such positions shall become effective on the fifteenth day following the day notice of appointment is filed with said appointing authority, unless said appointing authority shall within that fifteen day period, by at least a two-thirds vote of the current elected members, vote to reject said appointment, or sooner, by at least a two-thirds vote of the current elected members, vote to affirm said appointment.

Copies of the notices of proposed appointments as filed with the appointing authority shall simultaneously be posted on the town bulletin board.

4-2-2. Except as otherwise provided by this charter, the Town Manager shall appoint and may remove all department heads, assistant department heads, officers, subordinates, and employees serving under elected and appointed boards, commissions, and committees for whom no other method of selection is provided in this charter, except employees of the school department, housing authority, water commission, sewer commission, board of health and board of library trustees.

Appointments by the Town Manager for all positions, except those stated in Article IV, section 4-2-1, shall

become effective immediately.

Copies of notices of appointments and/or removals shall be posted on the town bulletin board.

4-2-3. All appointments by the Town Manager shall be based on merit and fitness alone.

Section 4-3. Administrative Powers and Duties.

The Town Manager shall be the chief administrative officer of the Town and shall be responsible to the Board of Selectmen for the effective management of all town affairs placed in the manager's charge by this charter, said Board of Selectmen, by bylaw, or vote of the town meeting, and for the implementation of town policies placed in the Town Manager's charge by said Board of Selectmen.

The powers, duties and responsibilities of the Town Manager shall include, but are not intended to be limited to, the following

- a) To supervise, direct and be responsible for the efficient administration of all officers appointed by the Town Manager and their representative departments, and of all functions for which the Town Manager is given responsibility, authority or control by this charter, by bylaw, by town meeting vote, or by vote of the Board of Selectmen;
- b) To administer and enforce either directly or through a person or persons supervised by the Town Manager, in accordance with this charter, all provisions of the laws of the commonwealth or special laws applicable to the town, all bylaws, and all regulations established by the Board of Selectmen;
- c) To be responsible for coordination of operational and strategic planning for the town;
- d) To attend all meetings of said Board of Selectmen, except when excused, having the right to speak but not vote;
- e) To attend all sessions of the town meeting and answer all questions addressed to the Town Manager which are related to the warrant articles and to matters under the general supervision of the Town Manager;

- f) To keep said Board of Selectmen fully informed regarding all departmental operations, fiscal affairs, general problems, administrative actions, and the availability of federal and state funds and how such funds might relate to unmet long range needs and to this end shall submit quarterly reports to the Board of Selectmen;
- g) To assure the complete and full records of the financial and administrative activity of the town are maintained and to render reports to the Board of Selectmen as may be required, but not less frequently than quarterly, a full report of all town administrative operations during the period reported on, which report shall be made available to the public.
- h) To assure that a full and complete inventory of all property of the town, both real and personal, is kept, including all property under the jurisdiction of the school committee;
- i) To be responsible for the rental, use, maintenance, repair and the development of a comprehensive maintenance program for all town facilities, except those under the jurisdiction of the Housing Authority, School Committee, Sewer Commission or Water Commission, unless requested by those agencies;
- j) To be responsible for purchasing of all functions and departments, pursuant to chapter 30B of the General Laws, and all other applicable statutes, procedures and bylaws. Said Town Manager shall at the request of the School Committee, delegate such duties for school department purchasing to an employee of the School Committee as per the requirements of said chapter 30B;
- k) To administer the town's personnel system, personnel evaluation policies and practices, enforcement of labor contracts, labor relations, collective bargaining and state and federal equal employment opportunities law compliance function of the town, except for school department agreements, entered into by the town;
- l) To fix compensation of all town employees and officers appointed by the Town Manager within limits established by appointment and any applicable compensation plan and collective bargaining agreements, and or Town Meeting;
- m) To have the authority to sign payroll and accounts payable warrants concerning the everyday operations of the Town;

- n) To be responsible for the negotiation of all contracts with town employees over wage, and other terms and conditions of employment, except employees of the school department. The Town Manager may, subject to the approval of the Board of Selectmen, employ special counsel to assist in the performance of these duties.

Contracts shall be subject to the approval of the Board of Selectmen;

- o) To prepare and submit annual operating budgets and capital improvement programs as provided in Section VI of this charter;
- p) To keep the Board of Selectmen and finance committee fully informed as to the financial condition of the town and to make recommendations to the Board of Selectmen as the Town Manager deems necessary;
- q) To coordinate the activities of all town agencies serving under the office of Town Manager and the office of the Board of Selectmen with those under the control of other officers and municipal member bodies elected directly by the voters. For the purposes of effecting coordination and cooperation among all agencies of the town, the Town Manager shall have the authority to require persons so elected, or their representatives, to meet with the Town Manager, at reasonable times, to submit such reports of their doings and summaries of action taken as may be deemed to be necessary or desirable to have available for the purposes of such coordination.
- r) To investigate or inquire into the affairs of any town department or office;
- s) To prosecute, defend or compromise all litigation to which the Town is a party, upon request and with approval of said Board of Selectmen
- t) To delegate, authorize or direct any subordinate or employee of the town to exercise any power, duty, or responsibility which the office of Town Manager is authorized to exercise, provided, that all acts that are performed under such delegation shall be deemed to be the acts of the Town Manager;
- u) To distribute copies of the warrants for the Annual Town Meeting to the residence of all registered voters of the Town
- v) To perform such other duties as necessary as may be assigned by this charter, bylaw, by town meeting vote, or by

vote of the Board of Selectmen.

Section 4-4. Financial Powers and Duties.

Section 4-4-1.

The Town Manager shall be the chief financial officer of the Town, and be responsible for the design and preparation of the annual budget, filing grant applications, and controlling budget expenditures, including approval of the warrant and for the payment of funds prepared by the Town Accountant in accordance with the provisions of section 56 of chapter 41 of the General Laws.

Section 4-4-2.

In accordance with Article VI of this Charter;

- a) The Town Manager shall submit to the Board of Selectmen and Finance Committee a written proposed budget for town government for the ensuing fiscal year, including the budget proposed by the School Committee. The proposed budget shall detail all estimated revenues from all sources, and all expenditures, including debt service for the previous, current and ensuing years. It shall include proposed expenditures for both current operations and capital during the ensuing year, detailed by agency, department, committee, purpose, and position, together with estimated revenues and free cash available at the close of the fiscal year, including estimated balances in special accounts. The Town may, by bylaw, establish additional financial reports to be provided by the Town Manager;
- b) The Town Manager shall report on the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the Town, together with an estimate of the tax rate necessary to raise such amount;
- c) The calendar dates on or before which the proposed budget, revenue statements, and tax rate are to be submitted to said Board of Selectmen shall be 30 days prior to the date the budget is required to be submitted to the Finance Committee as specified by bylaw, action of the Finance Committee, or powers of the Assessors;
- d) To assist said Town Manager in preparing the proposed annual budget of revenues and expenditures, all boards, officers, and committees of the town, including the School Committee shall furnish all relevant information in their

possession and submit to the Town Manager, in writing and in such form as the Town Manager shall establish, a detailed estimate of the appropriations required and available funds.

- e) The Town Manager shall submit annually to the Board of Selectmen a five-year capital improvement plan.

Section 4-5. Temporary Absence.

The Town Manager may designate by letter with the Board of Selectmen and Town Clerk a qualified officer of the town to perform the duties of the Town Manager during a temporary absence or disability. If such temporary absence or disability shall exceed thirty days, any designation made by the Town Manager shall be subject to the approval of the Board of Selectmen. In the event of the failure of the Town Manager to make such designation, or if the person so designated is for any reason unable to serve, the Board of Selectmen may designate some other qualified person to perform the duties of Town Manager until the Town Manager shall return.

Section 4-6. Vacancy in Office.

Any permanent vacancy in the office of Town Manager shall be filled as soon as possible by the Board of Selectmen. The filling of such vacancy shall be done as provided for in Article IV, Section 4-1.

Section 4-7. Removal and Suspension.

The Board of Selectmen by the affirmative vote of three or more of its members may terminate and remove, or suspend the Town Manager from office in accordance with the following procedure.

The Board of Selectmen shall adopt a preliminary resolution of removal by the affirmative vote of at least three of its members that must state the reason for removal. This preliminary resolution may suspend the Town Manager for a period not to exceed forty-five days. A copy of the resolution shall be delivered in hand or by certified mail, return receipt requested, to the Town Manager.

Within five days after receipt of the preliminary resolution the Town Manager may request a public hearing by filing a written request for such hearing with the Board of Selectmen. This hearing shall be held at a meeting of the Board of Selectmen not later than thirty days after the request is filed and not earlier than twenty days. The Town Manager may file a written statement responding to the reasons stated in the resolution of removal with the Board of Selectmen provided that said statement is received at the Board of Selectmen's office at least forty- eight hours in advance of the

public hearing.

The Board of Selectmen may adopt a final resolution of removal, which may be made effective immediately, by affirmative votes of three of its members not less than ten nor more than twenty-one days following the date of delivery of a copy of the preliminary resolution to the Town Manager, if the Town Manager has not requested a public hearing, or, within ten days following the close of the public hearing if the Town Manager has requested one. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal and the Town Manager shall, at the expiration of said time, forthwith resume the duties of the office. The Town Manager shall continue to receive a salary until the effective date of a final resolution of removal. The action of the Board of Selectmen in suspending or removing the Town Manager shall be final, it being the intention of the provision to vest all authority and fix all responsibility for such suspension or removal on the Board of Selectmen.